IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

MFA.No. 179 of 2001()

AGAINST THE JUDGMENT AND AWARD DT.29.6.1999 IN OP(MV).1202/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ATTINGAL .
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APPELLANT: CLAIMANTS
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1. **SUMATHI AMMA, W/O. LATE SIVASANKARA PILLAI, MANOHARAVILASOM, PULLAYIL P.O., (VIA) KILIMANOOR, TRIVANDRUM DIST,**
2. **KARUNAKARAN NAIR, S/O. LATE SIVASANKARA PILLAI, -DO- -DO-**
3. **SUMARAJAN, S/O. LATE SIVASANKARA PILLAI, -DO- -DO-**
4. **SUDHAKARAN NAIR, S/O. LATE SIVASANKARA PILLAI OF -DO- -DO-**
5. **MADHUSOODANAN NAIR, S/O. LATE SIVASANKARA PILLAI, -DO- -DO-**
6. **RADHAKRISHNAN NAIR, S/O. LATE SIVASANKARA PILLAI, -DO- -DO-**
7. **VIJAYAKUMAR, S/O. LATE SIVASANKARA PILLAI, -DO- -DO-**
8. **SATHEESHKUMAR, S/O. LATE SIVASANKARA PILLAI, -DO- -DO-**
9. **KUMARI REMA, D/O. LATE SIVASANKARA PILLAI, -DO- -DO-**

BY ADV. SRI.B.JAYASURYA

RESPONDENTS: RESPONDENTS
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1. **THE MANAGING DIRECTOR, K.S.R.T.C.,**
   TRANSPORT BHAVAN, TRIVANDRUM.

2. **P.V.DIVAKARAN, S/O. VELU,**
   PEZHUNILUNNATHIL VEEDU,
   NEAR GOVT. H.S. ANGADICKAL SOUTH,
   CHENGANNUR.

BY ADV. SRI.JAMES KOSHY.N., SC. KSRTC

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.2012/2001 IN MFA. NO.179/2001

DISMISSED

04.06.2007 **SD/- J.B.KOSHY, JUDGE**

SD/- K.P.BALACHANDRAN , JUDGE

/TRUE COPY/

P.A. TO JUDGE

tss

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.F.A. No. 179 of 2001

Dated this the 4th day of June, 2007

Judgment

Koshy, J.

An ex-serviceman aged 72 was hit down by a K.S.R.T.C. bus on 14.7.1996 and died consequent to the injuries sustained to him in the accident on the same day. His wife and eight children applied for compensation. Tribunal found that children were not dependent on him as they are all major. The only daughter he was having was also married. Therefore, no amount was awarded for loss of dependency. Even though it was claimed that at the age of 72 he was occasionally driving a tempo vehicle, that contention was not accepted by the tribunal especially even the driving licence was not produced. The accident occurred while he was standing in the road and not while driving a vehicle. However, he was an ex-serviceman and was getting pension. He was maintaining his wife.

2. Heard Mr. Jayasurya for the appellant as well as Mr. Johnson P. John, Standing Counsel for the Kerala State Road Transport Corporation.

3. It is true that compensation cannot be fixed in a multiplier method on the basis of the peculiar facts of the case. We are of the view that his wife is entitled to dependency compensation. Considering the circumstances of the case, age of the deceased and loss of pension, we award Rs.25,000/- as loss of dependency compensation to the first appellant wife. The above amount of Rs.25,000/- should be deposited by the first respondent Kerala State Road Transport Corporation within three months from the date of receipt of a copy of this judgment with 8% interest from the date of application till its deposit.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.F.A.NO.179/2001

JUDGMENT

Dated:4th June, 2007